



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII  
1860 LINCOLN STREET  
DENVER, COLORADO 80295-0699

Best Available Copy

APR 25 1985

Ref: 8HWM-SR

Mr. James Nicks, Manager  
U.S. Department of Energy  
Rocky Flats Area Office  
P.O. Box 464  
Golden, CO 80401

REFER TO	
<input checked="" type="checkbox"/>	Area Mgr
<input checked="" type="checkbox"/>	Dist. Dir. Mgr
<input type="checkbox"/>	Director
<input type="checkbox"/>	Asst. Dir.:
<input type="checkbox"/>	Adm. Serv.
<input type="checkbox"/>	Ext. Aff.
<input type="checkbox"/>	Gen. Inv.
<input type="checkbox"/>	Ident. & Rec.
<input type="checkbox"/>	Inspection
<input type="checkbox"/>	Int. Aff.
<input type="checkbox"/>	Lab.
<input checked="" type="checkbox"/>	Off. of Cong. & Public Aff.
<input type="checkbox"/>	Off. of E&C Br.
<input type="checkbox"/>	Off. of E&C Br.

Dear Mr. Nicks:

Prior to the meeting on May 3 with EPA's senior staff, I wanted to provide you with EPA's perspective on the responsibilities of federal facilities in complying with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). As you know federal facilities are required in Section 107(g) to comply both procedurally and substantively with the Act to the same extent as private entities. Although EPA is responsible for managing the Superfund program, CERCLA-funded remedial actions at federally owned facilities are specifically prohibited by Section 111(e)(3). Therefore, Federal agencies must conduct any remedial action with their own funds. However, EPA has a definite interest and responsibility to monitor the affected federal agencies as they conduct their assessment programs, and provide oversight on remedial studies and cleanup actions.

The Rocky Flats facility and past contamination from the facility into bottom sediments of the Great Western Reservoir have been proposed for the National Priorities List based on an EPA evaluation of the potential threat of release of a hazardous substance to the environment. Sites on the List become the focus of attention for both EPA and the public. When the List is finalized, projected for June, 1985, the Department of Energy must determine whether or not remedial action is necessary. That process must be consistent with the National Contingency Plan, which is EPA's internal procedure for evaluating listed sites. EPA is preparing guidance for federal facilities on what requirements must be met. Although that guidance is not yet complete, we would like to share with you several considerations.

First, it is EPA's belief that initial planning for addressing the site can begin now, prior to the listing. That is one purpose of the upcoming meeting. A generic flow chart is attached, which identifies the key elements of a federal facilities response program. EPA expects most federal agencies to conduct responses in a manner consistent with that process. The most important element of that process from the standpoint of EPA-DOE relationship is the compliance agreement. It is our belief that such an agreement should be developed and become operational prior to any studies to be conducted or other efforts to address issues related to hazardous substance releases.

DOCUMENT CLASSIFICATION  
REVIEW WAIVER PER  
CLASSIFICATION OFFICE

SW-A-003904  
ADMIN RECCRD

MHS  
on

EPA's initial evaluation of the site focused only on prior releases of plutonium onto the soil, into the sediment of Great Western Reservoir, and possible subsurface seepage from storage ponds. An essential element of the CERCLA process is to identify all potential releases of hazardous substances through a discovery process. Of particular interest are old, abandoned hazardous waste disposal sites which were used over the years. This discovery process may mean researching old records and interviewing long-time employees. A complete history of waste disposal practices should be developed.

We understand that DOE may already be initiating parts of this process through its Comprehensive Environmental Assessment and Response Plan. We will be interested in determining how this activity, as well as other activities (such as the vacant land acquisition process), meets the CERCLA requirements.

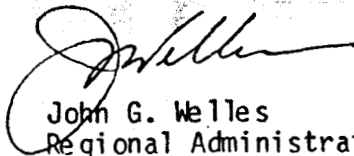
We also understand that DOE intends to begin some plowing or other cleanup activities this spring under the settlement reached with adjacent landowners. The land would then be sold to Jefferson County and Broomfield for their use. Since EPA is not a party to the case, we are not aware of any of the settlement details. However, we are concerned that the planned activities and ultimate disposition of the land may have an adverse impact on any remedial action determined to be necessary for the site under Superfund. We are also concerned about how these activities and the settlement itself might relate to the National Environmental Policy Act, and the associated possible need for an environmental assessment.

With regard to timing of these efforts, EPA's plans call for beginning some preliminary work this quarter. We are planning to hire consultants to assist us in any technical work that needs to be done. Their first efforts will be in familiarizing themselves with the site and previous studies conducted.

We would hope that the meeting on May 3, will serve as an opportunity for open discussion of DOE's program to address these CERCLA-related issues and will establish a framework for further discussion by our technical staffs on the respective roles of our two agencies in completing the work that needs to be done. In those following discussions we expect that the scope of the work effort and scheduling of activities will be major topics.

We appreciate the opportunity to meet with you on May 3 and look forward to working with you as this project proceeds.

Sincerely,

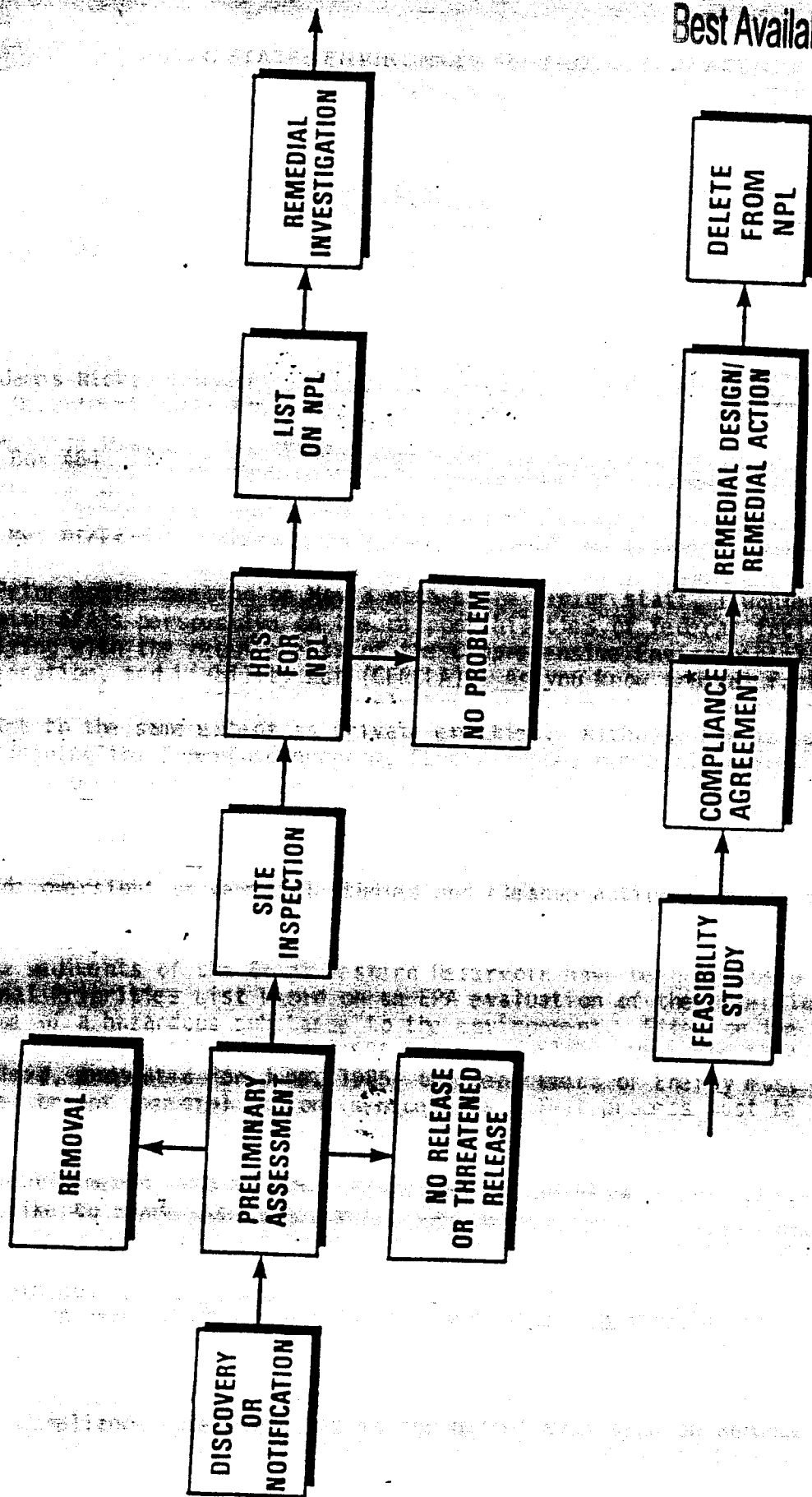


John G. Welles  
Regional Administrator

Attachment

# FEDERAL AGENCY-LEAD SUPERFUND RESPONSE ACTIVITIES AND EVENTS

Best Available Copy



\* COMPLIANCE AGREEMENT IS EQUIVALENT TO A RECORD-OF-DECISION FOR THE PURPOSE OF THIS EXHIBIT